

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEREMY LOYD GRAY,

Plaintiff,

v.

CORRECTIONAL OFFICER KENNEDY *et al.*,

Defendants.

Case No. C05-5697FDB

ORDER

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. On February 13th, 2006 the court entered an Order requiring plaintiff to submit service documents including copies of the complaint. (Dkt. # 13). Plaintiff has not complied. Instead he has sent a letter reiterating the allegations in the complaint and asking for legal help. (Dkt. # 14). The court cannot give legal advise. Plaintiff indicates he is getting out of prison in November and wishes to continue this action at that time.

Plaintiff filed this action October 21st, 2005. (Dkt. # 1). The case is on the courts docket and there are time frames for civil actions. One such time frame is the 120 day time for perfecting service. See, Fed. R. Civ. P 4(m). While this time frame has run the court has the ability to extend time for service for a reasonable

1 amount of time. Waiting until November of 2006 is not an option at this point in the proceedings. Plaintiff
2 was ordered to submit service documents and plaintiff was specifically informed that failure to provide the
3 documents would result in a Report and Recommendation that this action be dismissed without prejudice for
4 failure to prosecute. (Dkt. # 13). Plaintiff has not complied with the court's order. Plaintiff may wish to take a
5 voluntary non suit, Fed. R. Civ. P 41 (a), and repay a second filing fee; or he may comply with the court's
6 order and submit service documents and identify the John Doe defendants so the court can attempt service.

7 The court will give plaintiff until **April 21st, 2006** to provide service documents. If plaintiff does not
8 comply a Report and Recommendation to dismiss this action without prejudice will be entered at that time.

9 The clerk is directed to set the matter for consideration on **April 21st, 2006**, and send plaintiff a
10 copy of this order.

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12 DATED this 20th day of March, 2006.

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18 Karen L. Strombom
19 United States Magistrate Judge
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